

IN THE SENATE OF THE UNITED STATES.

MARCH 15, 1880.—Ordered to be printed.

Mr. CALL, from the Committee on Pensions, submitted the following

R E P O R T :

[To accompany bill S. 898.]

*The Committee on Pensions, to whom was referred the bill (S. 898) granting a pension to Mary A. Davis, respectfully report as follows :*

That Mary A. Davis was the adopted mother of Benjamin F. Rodgers, having adopted him in his infancy on the death of his parents, and that said Benjamin F. Rodgers was the *sole support* of his adopted mother for five years previous to his death, turning over to her his wages, &c., and she in turn bestowing on him a mother's care and love. That the above is clearly proven by the affidavits of several respectable witnesses, near neighbors of the petitioner. The tax collector of Edgar County, Illinois (the residence of the petitioner), testifies that Mrs. Davis never had any property to assess.

The records of the Adjutant-General's Department show that Benjamin F. Rodgers enlisted as a private in Company H, Bissel's Engineer Regiment of the West Missouri Volunteers, on October 12, 1861, and was discharged from the service on October 12, 1862, for disability.

The certificate of disability for discharge states that he was suffering from "general constitutional weakness, which entirely unfits him for hard labor, and chronic ophthalmia, resulting from a scrofulous diathesis of the system," and also that he had ophthalmia when he entered the service.

One of the commissioned officers (a lieutenant) of the regiment in which Private Rodgers served, testifies that Rodgers was in good health when he enlisted, and was discharged for disability contracted in the service. The disability was chronic diarrhea and inflammation of the bowels, so stated by the surgeon at the time, as he remembers it.

Several witnesses testify as to the soldier's good health before enlistment.

The physician who attended him after his return from the Army testifies that the soldier (Benjamin F. Rodgers) "did not have any disease of the eyes, or scrofulous symptoms during last sickness. When he came home he was suffering with inflammation of the bowels and lungs, and died of inflammation of the bowels February 15, 1863" (four months after his return from the Army). That he came under his professional care immediately on his return from the service.

A neighbor of Rodgers testifies that he (Rodgers) was suffering from a severe cough and complained of his breast and lungs when he came home. He was able to be about but little. At times was better for a day or so, and then would grow suddenly worse. Soldier was not able

to walk home from the depot (a distance of a mile) when he returned from the Army. The statement of this witness is corroborated by affidavits of several neighbors.

Mrs. Davis's claim for a pension was rejected by the Commissioner of Pensions on the ground that "there was no provisions under the general law for pensions on account of the death of an adopted son," and informed the claimant that the only manner in which she could obtain a pension would be by special act of Congress.

Your committee would therefore recommend the passage of the accompanying bill (S. 898).